

REMARKS

The Examiner objected to claim 1.

The Examiner rejected claim 1 under 35 U.S.C §103(a) as allegedly being unpatentable over Marks (US 6,876,977).

Applicants respectfully traverse the objection and the §103(a) rejections with the following arguments.

09/971,880

7

Claim Objections

The Examiner objected to claim 1.

The Examiner objected to use of the phrase “abandoned shopping carts”. However, the preceding objection is moot, since the amended claim 1 does not comprise the phrase “abandoned shopping carts”.

The Examiner argues: “The terms **established shopper** and **guest shopper** do not, per se, provide patentable distinction from prior art.” In response, Applicants respectfully contend that the amended claim 1 clearly distinguishes between “established shopper” and “guest shopper”.

The Examiner objected to the phrases “garbage collection”, “guest shopper garbage collection”, and “established shopper garbage collection”. However, the preceding objection is moot, since the amended claim 1 does not comprise any of the aforementioned phrases comprising “garbage collection”.

35 U.S.C. §103(a)

The Examiner rejected claim 1 under 35 U.S.C §103(a) as allegedly being unpatentable over Marks (US 6,876,977).

Applicants respectfully contend that claim 1 is not unpatentable over Marks, because Marks does not teach or suggest each and every feature of claim 1. For example, Marks does not teach or suggest the feature: "identifying, upon occurrence of a next update time, guest shopping carts and established shopping carts existing at the electronic commerce web site, the guest shopping carts being shopping carts that belong to guest shoppers of the electronic commerce web site, the established shopping carts being shopping carts that belong to established shoppers of the electronic commerce web site, a guest shopper being defined as a shopper who does not have any prior relationship of record with the merchant, an established shopper being defined as a shopper who has a prior relationship of record with the merchant".

Based on the preceding arguments, Applicants respectfully maintain that claim 1 is not unpatentable over Marks, and that claim 1 is in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

Date: 10/06/2005

Jack P. Friedman
Jack P. Friedman
Registration No.: 44,688

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850